

SAM GLASSCOCK III
VICE CHANCELLOR

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

Date Submitted: August 3, 2023

Date Decided: August 24, 2023

Peter Kostyshyn
1223 Rosedale Avenue
Wilmington, Delaware 19809

Patricia Kostyshyn
1127 Brandywine Boulevard
Wilmington, Delaware 19809

Re: *Kostyshyn, et al. v. Phillips, et al.*, C.A. No. 2023-0725-SG

Dear Mr. and Ms. Kostyshyn:

This letter order addresses your motion of August 3, 2023, which I treat as a Motion for Reargument of my July 26, 2023 denial of exceptions to the Magistrate’s recommendation this action be dismissed. Your motion is denied.

Your original complaint sought to invoke equity to prevent the filing of a sheriff’s deed following a monition sale in Superior Court. Under Chancery Court Rule 59(f), relief under a motion for reargument is available only where the Court “overlooked an applicable legal precedent or misapprehended the law or the facts in such a way as to affect the outcome of the case”¹ You have failed to identify either. Instead, you seek relief related to a request, made in the Motion for

¹ *Chrin v. Ibrix, Inc.*, 2012 WL 6737780, at *2 (Del. 2012).

Reargument *itself*, to reopen “the Estates, of Kataryna[.]”² This request appears unrelated to the complaint in this case. In any event, a Motion for Reargument is improper here. If you have grounds to reopen an estate, you may petition the Register of Wills in the appropriate county in a separate action. Nothing in this denial of your Motion for Reargument is with prejudice to any right you may have to seek the reopening of the estate to which you refer. You may not so proceed under this action, C.A. No. 2023-0725-SG, however.³

For the reasons above, the Motion for Reargument is DENIED. To the extent the foregoing requires an Order to take effect, IT IS SO ORDERED.

Sincerely,

/s/ Sam Glasscock III
Vice Chancellor

² Mot. for Reagument at 1, Dkt. No. 15. I assume this refers to the Estate of Kataryna Kostyshyn.

³ See *gen.* Ct. Ch. Rs. 205, 207.